REMARKS

Claims 46-53, 64-67 and 71-82 are pending. In response to the Examiner's 50-way restriction, Applicants elect Group I (claims 46-48, 50-53 and 66) drawn to "human DDAHI" with traverse for examination on the merits. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

The amendments are supported by the original disclosure and, thus, no new matter has been added. If the Examiner should disagree, however, he is respectfully requested to point out the challenged limitation with particularity in the next Action so support may be cited in response.

A statement claiming priority to a parent application has been added. An Abstract of the Disclosure is submitted herewith. No new matter is added because it is identical to the abstract of Int'l Patent Appln. No. PCT/GB00/00226.

A supplemental Information Disclosure Statement is submitted herewith.

Reconsideration of the restriction requirement is requested.

Traversal is based on the lack of a showing that examining all of the pending claims would constitute an undue burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of the pending claims in a single application.

Moreover, Applicants disagree with the Examiner's contention that the pending claims lack unity of invention, and hence fall into different groups of inventions. In particular, the pending claims are so linked as to form a single general inventive concept under PCT Rule 13.1 because both DDAHI and DDHAII are "human dimethylarginine dimethylaminohydroxylases" as recited in the independent claims. Therefore, Applicants request that the pending claims be examined together in this application because the independent claims as amended are generic/linking claims (although patentably distinct, DDAHI and DDHAII are structurally and functionally related) and examination should proceed under the provisions of M.P.E.P. § 809.

The different amino acid and nucleotide sequences identified by the Examiner are patentably distinct, but it would not constitute an undue burden for more than one

sequence to be examined in this application because, in particular, the M.P.E.P. § 803.4 refers to the sua sponte waiver of 37 CFR 1.141 et seq. and states that "up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction" (emphasis added). Thus, although the inventions identified by the Examiner are separately patentable, it would not constitute an undue burden to search and examine the claims of both Groups I and II in the same application (Group II is claims 46-47, 49-53, 66 and 71-78). Both the need for compact prosecution and the public interest would be served by examination of all claims in a single application.

Furthermore, under the Commissioner's Notice of March 26, 1996 (1184 OG 86) implementing the Federal Circuit's decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1996), rejoinder of process/method claims is requested upon an indication that a product claim is allowable. Applicants submit that claims directed to additional methods of using or making the product(s) (e.g., claims 64-65, 67 and 79-82) should also be searched and examined.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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